

### **REMARKS**

Applicant respectfully requests entry of the foregoing amendments by the Examiner. Please do not enter the previously filed and unentered amendment of December 20, 2004. By this amendment, claims 1, 11, 15, 18, 23 –27, 30 and 33 are amended, claims 13, 14, 20, 21 and 32 are cancelled, and new claims 34-43 are added. There are now 37 claims pending. These are 1-5, 7-12, 15-19, 22-31 and 33-43. No new matter is introduced by the amendments and support for the amendments is found throughout the specification. Additional claim fees were filed on December 20, 2004.

A response and amendment were filed on December 20, 2004, after the Final Office Action mailed October 19, 2004. Since December 19, 2004 was a Sunday, the response was filed two months after the mailing of the Final Office Action. In the Advisory Action mailed March 29, 2005, the Examiner did not enter the amendments. These amendments are presented again in the present submission. This RCE is timely filed together with a petition for a one-month extension of time and the required fees as the previous response after the Final Office Action was filed by the two-month date and the Advisory Action was mailed on March 29, 2005, beyond the three-month date of January 19, 2005.

### **Rejection of Claims under 35 U.S.C. § 102**

Claims 1, 2, 3, 10, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Paradissis et al.* (US 5,494,678). The amended claims recite compositions which are not disclosed by *Paradissis et al.*

Claims 1, 2, 3, 10, 11, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Rowland et al.* (US 5,405, 613). The amended claims recite compositions which are not disclosed by *Rowland et al.*

For at least all these reasons, Applicant respectfully asserts that the rejection of claims under 35 U.S.C. § 102(b) has been overcome and requests withdrawal of the rejection.

#### **Rejection of Claims Under 35 U.S.C. § 103**

Claims 15-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Rowland et al.* (US 5,405, 613). *Rowland et al.* uses different compositions in their method. *Rowland et al.* does not disclose, teach, suggest or provide motivation to use Applicant's claimed method, as recited in the amended claims, to treat a condition associated with a hormonal change.

Claims 1-5, 7-14, 23-33 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Jackson* (U.S. 6,040,333). *Jackson* uses different compositions in her method. *Jackson* does not disclose, teach, suggest or provide motivation to use Applicant's claimed method, as recited in the amended claims, to treat a condition associated with a hormonal change.

For at least all of the reasons cited above, Applicant respectfully asserts that the rejections of claims 1-5, 7-14-33 under 35 U.S.C. § 103(a) have been overcome and requests their withdrawal.

**CONCLUSION**

Applicant submits that the pending claims define novel and patentable subject matter. Accordingly, Applicant respectfully requests allowance of these claims. No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment, to Deposit Account Number 11-0855.

This request for continued examination is timely in view of the Final Office Action mailed October 19, 2004, the response filed December 20, 2004 and the Advisory Action mailed March 29, 2005, together with a petition for a one-month extension of time and the required fees. Early and favorable consideration is earnestly solicited. If the Examiner believes any informalities remain in the application that can be resolved by telephone interview, a telephone call to the undersigned attorney is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John K. McDonald", written in a cursive style.

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